

REMARKS

I. Introduction

Claims 8, 10, and 14 to 16 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Objections to the Drawings

The drawings were objected to under 37 C.F.R. § 1.83(a) for allegedly failing to show every feature specified in the claims. In particular, the Final Office Action asserts that the Figures fail to show “the thickness of the valve sleeve varying across its axial direction and decreasing in a discharge direction of the fuel . . . and the inflow side region of the valve sleeve being formed in one piece with the supply pipe” Final Office Action, page 2. Applicant respectfully submits that Figure 1 is not objectionable for at least the following reasons.

As regards the variation in valve sleeve thickness, Applicant respectfully submits that Figure 1 fully complies with 37 C.F.R. § 1.83(a). In this regard, Figure 1 shows a valve sleeve 5 with an inflow side region 25 with a thickness and a downstream region 26 with a thickness. It is well-settled that **figures in a patent are not drawn to scale unless otherwise indicated**. See, e.g., Hockerson-Halberstadt, Inc. v. Avia Group Int’l, Inc., 222 F.3d 951, 956 (Fed. Cir. 2000) (“[A] reasonable competitor, being aware that figures in a patent are not drawn to scale unless otherwise indicated.”). Further, it is respectfully noted that Figure 1 is plainly a **schematic** illustration. See, e.g., page 2, lines 19 to 22 of the Specification as originally filed (“The figure shows: Fig. 1 [which is] a schematic section through an exemplary embodiment of a fuel injector configured according to the present invention.”). Thus, no further illustration is required.

As regards the inflow-side region of the valve sleeve being formed in one piece with a supply pipe, Applicant respectfully submits that Figure 1 complies with 37 C.F.R. § 1.83(a). In this regard, Figure 1 shows a valve sleeve 5 with an inflow side region 25 and a supply pipe 24. Applicant respectfully submits that one of ordinary skill in the art would readily understand from Figure 1 -- which is a schematic illustration -- how to form parts as one piece.

In view of all of the foregoing, withdrawal of these objections is respectfully requested.

III. Rejection of Claims 8, 10, 14, and 15 Under 35 U.S.C. § 102(e)

Claims 8, 10, 14, and 15 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0185555 (“Kobayashi et al.”). It is respectfully submitted that Kobayashi et al. does not anticipate these claims for at least the following reasons.

The Examiner bases the present rejection on the interpretation of the portion annotated as “Valve Sleeve” in the “Examines [sic] Marked up Figure 9” as constituting a valve sleeve as recited in the present claims. Although Applicant does not necessarily agree with this interpretation, to facilitate prosecution, claims 8 and 15 have been amended herein without prejudice to recite that ***the valve sleeve surrounds the armature and the valve needle along the entire length of the armature and the entire length of the valve needle***. Support for these amendments may be found, for example, at Figure 1 as originally filed.

In view of these amendments, it is respectfully submitted that Kobayashi et al. does not disclose, or even suggest, either: a valve sleeve wherein the radial cross section and the wall thickness of the inflow-side region are constant from a collar to an inflow-side end of the valve sleeve and a decreased radial cross section and the decreased wall thickness of the discharge-side region are constant from the collar to a discharge-side end of the valve sleeve, the discharge-side end of the valve sleeve disposed axially beyond a valve-closure member, as recited in claim 8; or an intake pipe inserted into the valve sleeve in the inflow-side region, the intake pipe extending axially beyond the valve sleeve in an intake-side direction, as recited in claim 15. As such, it is respectfully submitted that Kobayashi et al. does not anticipate any of amended claims 8 and 15 or any dependent claim therefrom.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claim 16 Under 35 U.S.C. § 103(a)

Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi et al. It is respectfully submitted that Kobayashi et al. does not render claim 16 unpatentable for at least the following reasons.

As an initial matter, Applicant requests that the Examiner provide citation of authority in support of the assertion that "it has been held that rearranging parts of an invention involves only routine skill in the art."

Claim 16 depends from claim 15 and therefore includes all of the features recited in claim 15. As set forth more fully above in support of the patentability of claim 15, Kobayashi et al. does not disclose or suggest all of the features recited in claim 15. As such, Kobayashi et al. does not disclose or suggest all of the features of claim 16 and therefore does not render unpatentable claim 16. Accordingly, withdrawal of this rejection is respectfully requested.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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